

JUN 05 2006Oja v. Blue Mountain Cmty. Coll., No. 04-35534

KLEINFELD, Circuit Judge, concurring in part and dissenting in part:

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

I respectfully dissent from the majority's interpretation of Oregon Revised Statute § 659.815. This section makes it illegal to use any "false . . . representation . . . concerning the amount or character of the compensation to be paid" to persuade or engage an employee to "change from one place to another."¹ Oja established at least a genuine issue of fact as to whether the college made a false representation – that the "character" of his compensation would be a full-year tenure track position, when it was actually a one-quarter non-tenure track position – to induce his move.

Therefore, I would reverse on this issue as well.

¹ OR. REV. STAT. § 659.815 (2003).